<u>REMARKS</u>

The Examiner objects to the declaration as the declaration is improperly executed by Gregory L. Anderson. A replacement declaration signed by Gregory L. Anderson is attached hereto.

The Examiner rejects Claims 1-2, 4-6, 8, 10-11, 13-15, 18-19, and 21-23 under 35 U.S.C.§102(e) as being anticipated by Miloslavsky et al. (U.S. 6,597,685); Claims 1, 9, 10, and 18 under 35 U.S.C.§102(a) as being anticipated by "When Talk Isn't Cheap" Sm@rt Reseller, v. 3, n. 13, p. 50 4/3/00; and Claims 3, 7, 9, 12, 16-17, 20, and 24-25 under 35 U.S.C.§103(a) as being unpatentable over Miloslavsky et al.

Applicant respectfully traverses the Examiner's rejection. Miloslavsky et al. and the Sm@rt Reseller reference fail to teach or suggest, individually or collectively, at least the following italicized features of the rejected claims:

1. A method for routing contacts in a contact center, comprising:
evaluating a collection of one or more items of a customer to identify a value of at least one item in the collection, the collection being associated with a contact of the customer; and
routing the contact of the customer to at least one of a working agent and queue in the contact center based, at least in part, on the value.

10. A system for servicing contacts in a contact center, comprising:
evaluating means for evaluating a collection of one or more items of a customer to determine a value of at least one item in the collection, wherein the collection is associated with a current contact of the customer; and
routing means for routing the contact of the customer to at least one of a working agent and queue in the contact center based on the value.

18. A system for servicing contacts in a contact center, comprising:
an evaluator for evaluating a collection of one or more items of a customer to determine a value of at least one item in the collection, wherein the collection is associated with a contact by the customer;
a router for routing the contact of the customer to at least one of a working agent and queue in the contact center based, at least in part, on the value.

Miloslavsky et al.

Miloslavsky et al. is directed to an IP-capable call center system having a managing computer connected to a plurality of PC's at agent stations on a local area network. The managing computer is adapted to receive and route IP network telephony calls to the agent stations according to predetermined routing rules. A statistics server in the call center provides status of call center objects, among multiple status possibilities, to requesting applications in the processes of routing calls. Requesting applications, in addition to requests for object states, provide priority indications of object states desired. The statistics server provides the highest priority state to a requesting application. In the absence of a priority indication the statistics server provides status of objects according to a default indication.

Miloslavsky et al. does not teach, contrary to the Examiner's assertion, the evaluation of one or more items of a customer to identify at least one item in the collection and routing a contact of the customer to at least one working agent and queue based on the item collected. (Office Action at page 2.) Regarding contact routing, Miloslavsky et al. states at col. 12, line 64 to col. 13, line 7) as follows:

> When button 1118 is clicked, browser 1116 sends a telephone service request to "phone.html" in server 1132. Server 1132 then sends the request and associated data (*e.g.,* the identity of the customer site 104 and the HTML document associated with the web page displayed on browser 1116) to a service request process (SRP) 1168. SRP 1168 is a software module which could run on server 1132 or on a separate data processing device. *SRP 1168 selects an available service agent in accordance with predetermined criteria (e.g., availability of agents, previous interaction between certain agent and customer site 1104).*

(Emphasis added.)

-10-

Nowhere does Miloslavsky et al. teach the use of the identity or nature of items currently associated with a contact, such as the contents of a shopping cart, specifically to route a contact to a resource. The reference teaches traditional call center criteria, namely customer identity, customer history and agent skills as the criteria used in the routing decision. The Examiner further concedes that Miloslavsky et al. does not teach the use of the value of one or more items currently associated with a contact to determine the resource to which the contact is to be routed. (Office Action at page 3.) In fact, by teaching the use of traditional call center routing criterion in routing contacts Miloslavsky et al. teaches away from using either the identity of item(s) or value(s) of item(s) currently associated with a contact as a basis for selecting a resource to service the contact.

The Sm@rt Reseller Reference

The Sm@rt Reseller reference fails to overcome the deficiencies of Miloslavsky et al. Regarding contact routing, the reference states as follows:

> Egain Live's %routing% %rules% include click stream information, so response priority can be given to customers with an %item% in their shopping %basket% or based on previous purchases, and the software dynamically serves Web features based on the limitations of a user's connection.

This sentence simply states that priority is provided for customers having at least one item on their shopping basket, regardless of the identity of the item or value of the item. This reference in fact teaches away from the use of this information by stating that priority is based on previous (not current) purchases.

The reference entitled "%eGain%'s Commerce 2000 Platform Sets New Standard for eCommerce Customer Communication" appears to provide further information regarding eGain's product. Regarding contact routing, this reference states as follows:

-11-

> Customers are routed to the most appropriate agents and skills-based workgroups. It uses a wide range of criteria, including their product interest, Web site location, geographical region, etc. to match customers with the right representatives.

Although this reference does teach the use of "product interest", it does not say how that product interest is measured. Is it past product interest in prior contacts? Is it product interest as determined by the URL's visited by the customer in the current visit? Is it product interest as determined by an Interactive Voice Response Unit's dealings with the customer? Simply put, the reference to "product interest" would not necessarily suggest to one of ordinary skill in the art to use the contents of a current collection of items, such as in a shopping cart, in contact routing decisions.

Accordingly, the rejected claims are allowable.

The dependent claims provide further bases for allowance.

By way of example, dependent Claims 7, 16, and 24 are directed to the comparison of the value of the collection of item(s) with a predetermined value to determine the routing destination.

Applicant has added new Claims 26-43, which are independently allowable, are allowable for reasons stated above, and/or provide additional reasons for allowance. By way of example, the cited references fail to teach or suggest at least the italicized features of new Claim 34:
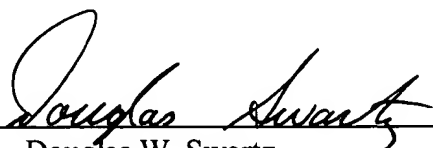
> 34.   (New) A method for routing contacts in a contact center, comprising:
> creating an electronic order associated with a current contact of a customer;
> adding at least one item to the electronic order;
> receiving a request from the customer for the current contact to be serviced by a resource of the contact center;
> *evaluating the at least one item in the electronic order to identify at least one of (a) an identity of the at least one item and (b) a sales price of the at least one item; and*
> *selecting at least one of a resource and a queue in the contact center to receive the contact based, at least in part, on the at least one of (a) an identity of the at least one item and (b) a sales price of the at least one item.*

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:_____
Douglas W. Swartz
Registration No. 37,739
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: _____

-13-